

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

|                       |   |                   |
|-----------------------|---|-------------------|
| MARY E. AMAYA         | § |                   |
| and MARIANAO AMAYA    | § | NO. 6:19-cv-00358 |
|                       | § |                   |
| v.                    | § | JURY DEMANDED     |
|                       | § |                   |
| TEXAS ROADHOUSE, INC. | § |                   |

**NOTICE OF REMOVAL**

Notice is hereby given that Defendant Texas Roadhouse, Inc. through its undersigned counsel, hereby removes to this Court the civil action filed in the 146th Judicial District Court, Bell County, Texas under Cause No. 306,656-B, pursuant to 28 U.S.C. §§ 1441(a) and 1446. In support thereof, Defendant shows as follows:

1. This Notice of Removal is being filed within thirty (30) days of Defendant's receipt of Plaintiffs' Original Petition on May 9, 2019.

2. Removal to this Court is proper pursuant to 28 U.S.C. § 1441(a) because the Court has original jurisdiction of this action under 28 U.S.C. § 1332(a)(1) as there is complete diversity of citizenship. Defendant Texas Roadhouse, Inc. is a Delaware corporation with its principal place of business in Kentucky. Plaintiffs are citizens of the State of Texas. *See Plaintiff's Original Petition attached as Exhibit 1.*

3. The amount in controversy as indicated in Plaintiffs' Petition is over \$250,000.00. *See Exhibit 1, Paragraph 27.*

4. Pursuant to 28 U.S.C. § 1446(a) and Local Rule LR-81, a copy of the executed Citation is attached hereto as Exhibit "2." The State Court has not created a

docket sheet for the state court case. The state court issued no orders. Also attached as Exhibit “3” is a list of all counsel of record, including addresses, telephone numbers, and parties represented. Plaintiff requested a jury trial in the state court; Defendant requests a jury trial. Defendant also attaches the federal civil cover sheet.

6. In accordance with 28 U.S.C. § 1446(d), Defendant will provide written notice hereof to Plaintiffs, by and through their counsel of record, and will file a copy of this Notice of Removal with the Bell County District Clerk.

**WHEREFORE**, Defendant hereby removes to this Court the above-referenced action previously pending in the 146th Judicial District Court of Bell County, Texas, and respectfully request that this Court accept jurisdiction of the action and place it on the docket of this Court for further proceedings as though the action had originally been initiated in this Court.

Respectfully submitted,

HEXT TRIAL LAWYERS

//s/Christy Hext

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent in compliance with the Federal Rules of Civil Procedure to Plaintiffs' counsel of record on this 7<sup>th</sup> day of June, 2019.

//s/Christy Hext  
Christy A. Hext